

MESSAGE NO: 7065306 MESSAGE DATE: 03/06/2017

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ALIWE-Auto Liq Exception

FR CITE: 82 FR 10457 FR CITE DATE: 02/13/2017

REFERENCE 6299308
MESSAGE #
(s):
CASE #(s): A-570-979

EFFECTIVE DATE: 02/13/2017 COURT CASE #: 16-00171, 15-00315

PERIOD OF REVIEW: 12/01/2015 TO 11/30/2016

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Automatic liquidation instructions for Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the PRC for the period 12/1/2015 through 11/30/2016 (A-570-979)

1. Commerce does not automatically conduct administrative reviews of antidumping duty orders. Instead, reviews must be requested pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.
2. Commerce has not received a request for an administrative review of the antidumping duty order for the period and on the merchandise identified below except for the firms listed in paragraph 3. Therefore, in accordance with 19 CFR 351.212(c), you are to liquidate all entries for all firms except those listed in paragraph 3 and paragraph 4 and assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption at the cash deposit or bonding rate in effect on the date of entry.
3. Entries of merchandise of the firms listed below should not be liquidated until specific instructions are issued. Continue to suspend liquidation of all entries of merchandise exported by the listed firms entered, or withdrawn from warehouse, for consumption during the period 12/1/2015 through 11/30/2016.

Company: Anji DaSol Solar Energy Science & Technology Co., Ltd.

Case number: A-570-979-099

Entries may also have been made under A-570-979-000

Company: BYD (Shangluo) Industrial Co., Ltd.

Case number: A-570-979-102

Entries may also have been made under A-570-979-000

Company: Canadian Solar International Limited

Case number: A-570-979-080

Company: Canadian Solar Manufacturing (Changshu) Inc.

Case number: A-570-979-081

Company: Canadian Solar Manufacturing (Luoyang) Inc.

Case number: A-570-979-082

Company: Changzhou Trina Solar Energy Co., Ltd./ Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd.

Case numbers: A-570-979-083, A-570-979-101

Entries may also have been made under A-570-979-000

Company: Chint Solar (Zhejiang) Co., Ltd.

Case number: A-570-979-084

Company: De-Tech Trading Limited HK

Case number: A-570-979-085

Company: Dongguan Sunworth Solar Energy Co., Ltd.

Case number: A-570-979-103

Entries may also have been made under A-570-979-000

Company: Eoply New Energy Technology Co., Ltd.

Case number: A-570-979-086

Company: ERA Solar Co., Ltd.

Case number: A-570-979-104

Entries may also have been made under A-570-979-000

Company: ET Solar Energy Limited

Case number: A-570-979-045, A-570-979-105

Entries may also have been made under A-570-979-000

Company: ET Solar Industry Limited

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Hangzhou Sunny Energy Science and Technology Co., Ltd.

Case number: A-570-979-110

Entries may also have been made under A-570-979-000

Company: Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.

Case number: A-570-979-087

Entries may also have been made under A-570-979-000

Company: Hengdian Group DMEGC Magnetics Co. Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: JA Solar Technology Yangzhou Co., Ltd.

Case number: A-570-979-048, A-570-979-106

Company: Jiangsu High Hope Int'l Group

Case number: A-570-979-107

Entries may also have been made under A-570-979-000

Company: Jiangsu Sunlink PV Technology Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Jiawei Solarchina (Shenzhen) Co., Ltd.

Case number: A-570-979-023

Entries may also have been made under A-570-979-000

Company: Jiawei Solarchina Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: JingAo Solar Co., Ltd.

Case number: A-570-979-052, A-570-979-108

Company: Jinko Solar Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Jinko Solar Import and Export Co., Ltd.

Case number: A-570-979-088

Company: JinkoSolar International Limited

Case number: A-570-979-038

Entries may also have been made under A-570-979-000

Company: LERRI Solar Technology Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Lightway Green New Energy Co., Ltd.

Case number: A-570-979-055

Entries may also have been made under A-570-979-000

Company: Ningbo ETDZ Holdings, Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Ningbo Qixin Solar Electrical Appliance Co., Ltd.

Case number: A-570-979-089

Company: Risen Energy Co., Ltd.

Case number: A-570-979-062

Entries may also have been made under A-570-979-000

Company: Shanghai BYD Co., Ltd.

Case number: A-570-979-091

Company: Shanghai JA Solar Technology Co., Ltd.

Case number: A-570-979-064

Entries may also have been made under A-570-979-000

Company: Shenzhen Sungold Solar Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Shenzhen Topray Solar Co., Ltd.

Case number: A-570-979-092

Company: Sumec Hardware & Tools Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Sunpreme Jiaxing Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Systemes Versilis, Inc.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Taizhou BD Trade Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: tenKsolar (Shanghai) Co., Ltd.

Case number: A-570-979-028

Entries may also have been made under A-570-979-000

Company: Toenergy Technology Hangzhou Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Wuxi Suntech Power Co., Ltd/Luoyang Suntech Power Co., Ltd.

Case number: A-570-979-079

Company: Wuxi Tianran Photovoltaic Co., Ltd

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./ Shenzhen Yingli New Energy Resources Co., Ltd.

Case number: A-570-979-078, A-570-979-100

Entries may also have been made under A-570-979-000

Company: Zhejiang ERA Solar Technology Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Zhejiang Jinko Solar Co., Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

Company: Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

Case number: A-570-979-098

Company: Zhongli Talesun Solar Co. Ltd.

Case number: No case number was in place for this company during the period of review.

Entries may have been made under A-570-979-000

CBP officers must also examine entries under A-570-979-000 and all existing company-specific case numbers to ensure the continued suspension of liquidation of entries during the applicable period of review for the exporters listed above.

4. The injunction with court number 16-00171 in message number 6299308, dated 10/25/2016, instructed CBP to not require Sunprime Inc. to pay cash deposits for its entries of solar modules containing bi-facial thin film cells made with amorphous silicon from the People's Republic of China that entered, or were withdrawn from warehouse, for consumption on or before 12/30/2015. Additionally, as a result of the stay of the court's order in court number 15-00315, CBP should continue to suspend Sunprime Inc.'s entries of solar modules containing bi-facial thin film cells made with amorphous silicon from the People's Republic of China that entered, or were withdrawn from warehouse, for consumption on or before 12/30/2015. Furthermore, pursuant to message number 6246308, dated 09/02/2016, CBP should continue to suspend liquidation of entries of bifacial solar products imported by Sunprime Inc. that entered or were withdrawn from warehouse for consumption on or after 12/30/2015.

5. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2 occurred with the publication of the notice of initiation of administrative review for the 12/2016 anniversary month (82 FR 10457, 2/13/2017). Unless instructed otherwise, for all other shipments of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duties and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O4:JDP.)

9. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party